

REMARKS

INTRODUCTION

In accordance with the foregoing, claim 1 has been amended. Claims 2, 4, 6 and 15 have been cancelled. Claims 1, 3, 5 and 7-14 are pending and under consideration.

CLAIM REJECTIONS

Claims 1-7, 10 and 15 were rejected under 35 USC 102(b) as being anticipated by Paromtchik et al. (US 2002/0027652) (hereinafter "Paromtchik").

Claims 8, 9 and 11-14 were rejected under 35 USC 103(a) as being unpatentable over Paromtchik in view of Bartsch et al. (US 6,459,955) (hereinafter "Bartsch").

Paromtchik discusses a method for instructing target position for mobile body, method for controlling transfer thereof, and method as well as system of optical guidance therefor. In Paromtchik, the control unit 12d is composed of a microcomputer and implements such processing that relative coordinates of positions where light dots being objects to be detected by a sensor unit 12a reside are specified on the basis of results detected by a sensor unit 12a. More specifically, the control unit 12d processes data (visual data in the case where the sensor unit 12a is a color CCD or PSD camera) collected by the sensor unit 12a, and specifies relative coordinates of positions where predetermined colored light dots reside. Furthermore, the control unit 12d produces a control command for tracking target positions by computation of position, orientation, and speed required for transfer of the mobile robots 12-1, . . . , 12-i, . . . , and 12-n. Paromtchik, paragraphs [0069] and [0070] and Figures 1-3.

Further in Paromtchik, such a servo unit 12b executes a control command produced by the control unit 12d wherein the mobile robots 12-1, . . . , 12-i, . . . , and 12-n on each of which has been mounted a servo unit 12b are allowed to transfer in response to relative coordinates specified by the control unit 12d. Paromtchik, paragraph [0071] and Figures 1-3.

Claims 1-9

Amended claim 1 recites: "...wherein the controller determines whether the reflecting trace based on the reflecting position is in accordance with the command pattern corresponding to the command stored in the memory, and outputs the command to the driving part when the reflecting trace is in accordance with the command pattern." Support for this amendment may

be found in at least original claim 2. In the Office Action, Paromtchik is relied on to show this feature of claim 1. Specifically, the Examiner notes that "it would be inherent for the control unit (12d) to store in its memory a program to correlate light beam and command signals to drive the robot to a relative position."

To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." See *Continental Can C. USA v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991). In the present case, Paromtchik only discusses a method of elevating a degree of accuracy in positioning mobile bodies in an environment. By contrast, the present invention as recited in claim 1 is directed to making immediate operation teaching possible and easier operation of a robot by a user. Specifically, it is respectfully submitted that the technical feature of claim 1 of the controller determining whether the reflecting trace based on the reflecting position is in accordance with the command pattern corresponding to the command stored in the memory would not be inherent in the method of Paromtchik, which is directed increased accuracy in positioning rather than a teaching operation.

Further, when an Examiner's rejection relies on inherency, it is incumbent on the Examiner to point to the page and line of the prior art that justifies the rejection. See *Ex Parte Schricker*, 56 USPQ2d 1723 (B.P.A.I. 2000) (unpublished). It is respectfully submitted that the paragraphs of Paromtchik noted in the Office Action only discuss that the control unit 12d implements such processing that relative coordinates of positions where light dots being objects to be detected by a sensor unit 12a reside are specified on the basis of results detected by a sensor unit 12a and do not discuss storing the command pattern, or an equivalent, in a memory.

Still further, the Federal Circuit has cautioned that all claimed elements must be found in the prior art for anticipation to be found. See, for example, *Studiengesellschaft Kohle mbH. v. Dart Indus.*, 726 F.2d 724, 726-27, 220 USPQ 841, 842 (Fed. Cir. 1984) ("For a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to its existence in the prior art... Although this disclosure requirement presupposes the knowledge of one skilled in the art of the claimed invention, that presumed knowledge does not grant a license to read into the prior art reference teachings that are not there.)

Claims 2, 4 and 6 have been cancelled. Claims 3, 5 and 7-9 depend on claim 1 and are therefore believed to be allowable for at least the foregoing reasons.

Withdrawal of the foregoing rejection is requested.

Claims 10-14

Claim 10 recites: "...determining whether the reflecting trace is in accordance with the command pattern; and controlling the mobile robot to operate according to the command corresponding to the command pattern when the reflecting trace is in accordance with the command pattern." In the Office Action, Paromtchik is relied on to show this feature of claim 10. Specifically, the Examiner notes that "it would be inherent for the control unit (12a) would determine reflecting trace based on multiple variation of reflecting position within a predetermined interval." This finding of inherency is respectfully traversed and it is respectfully submitted that the technical feature of claim 10 of determining whether the reflecting trace is in accordance with the command pattern is not inherent in the method of Paromtchik, which is directed to increased accuracy in positioning rather than a teaching operation.

Claims 11-14 depend on claim 10 and are therefore believed to be allowable for at least the foregoing reasons.

Withdrawal of the foregoing rejection is requested.

Claim 15

Claim 15 has been cancelled.

CONCLUSION

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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